

## **REMARKS**

### **Claims Status**

Claims 1-15 and 19-40 are cancelled.

Claims 16, 17, 41-43, 45 and 46 are currently amended. Claim 46 is amended in part to ensure proper antecedent basis thereof. The rationale for the other amendments is discussed in the below remarks. Applicants respectfully request the entry of these amendments, as they do not introduce any new issues that would require further consideration and/or search of the claims.

Applicants respectfully submit that the foregoing amendments do not introduce any new subject matter to the application. With the present amendments, there are twelve claims pending, namely claims 16-18 and 41-49.

### **Claim Rejections – 35 USC § 112, first paragraph (Enablement)**

Claims 16-18 and 41-49 stand rejected under 35 USC § 112, first paragraph, as not being enabled by the specification. Specifically, the Examiner alleges that the provision of soybean cultivars having proprietary traits would prevent the public from practicing the claimed method. This rejection was originally lodged against claims 16-18 in the March 8, 2007 Office Action for the instant application.

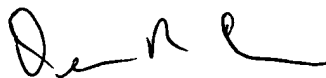
The claims are currently amended to replace the term “proprietary trait” with “trait of interest”. Skilled artisans would readily acknowledge that the specification supports this subject matter, as traits protected by patent or trade secret (refer to “proprietary trait” definition; specification, page 4, lines 27-28) are examples of such traits. Also, the Examples section of the specification (page 15, lines 2-7) describes the provision of commercial soybean seed that is glyphosate-resistant, which is a trait of agricultural interest. Aside from this direct disclosure,

skilled artisans would readily acknowledge from reading the specification that the claimed method is applicable to just about any soybean trait for which there may be particular interest. In view of the above amendments and remarks, Applicants respectfully submit that this rejection is overcome.

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No fee is believed to be due in relation to this response. However, should any fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 08-3038/11898.0021.NPUS01.

Respectfully submitted,



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